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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,913	01/20/2005	Hiroshi Tajima	ARGM-106US	1698
23122	7590	11/29/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,913

Applicant(s)

TAJIMA, HIROSHI

Examiner

Jacques H. Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01202005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figure 30 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-6, 8-10, and 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, "electric toll collection system" is indefinite since there is not support for an "electric" toll collection system. "Electric" toll collection system should be changed to "electronic" toll collection system. The dependent claims are also rejected. See for example, claim 6 (line 3).

In claim 9, "said travel route set by said travel route setting means" is not clear. There is no "travel route setting means" recited in the claim.

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In claim 10, "said electronic toll collection system" is not clear. There is no previous recitation of an electronic toll collection system".

In claim 10, it is not clear to which "any one of lanes" the claim refers.

In claim 10, lines 7-8, the limitation "communication means for performing communication with an in-vehicle apparatus provided in said automotive vehicle as part of said electronic toll collection system" is redundant.

Appropriate correction is required.

The claims are being examined and rejected based on the examiner's best interpretation in light of the deficiencies as noted above.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Isobe et al [6,019,285].

Isobe et al discloses an in-vehicle apparatus (10, figure 1, 2) comprising communication means (12) for performing communication with a navigation apparatus (30, 40, 50) and operation mode switching means for switching an operation mode in which an electronic

toll collection system is utilized on the basis of a signal received from said navigation apparatus by said communication means. See figures 2-4.

6. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Tokitsu et al [6,937,162].

Tokitsu et al discloses an in-vehicle apparatus (1, figure) comprising communication means (21) for performing communication with a navigation apparatus (10) and operation mode switching means for switching an operation mode in which an electronic toll collection system is utilized on the basis of a signal received from said navigation apparatus by said communication means. See abstract, columns 2-3.

7. Claim 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Aito et al [5,991,689].

Aito et al (5,991,689) discloses a navigation apparatus (figure 1) comprising position detecting means (2) for detecting a current position of an automotive vehicle, destination setting means for setting a destination of said automotive vehicle (1), travel route setting means (4) for setting a travel route to said destination set by said destination setting means on the basis of said current position detected by said position detecting means (figure 4), operation mode setting means for setting whether or not to utilize an electronic toll collection system on a toll road of said travel route set by said travel route setting means (figure 5, figure 8), and communication means (47) for performing communication with an in-vehicle apparatus provided in said automotive vehicle as part

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of said electronic toll collection system, said communication means being operative to transmit a signal to said in-vehicle apparatus to change an operation mode of said in-vehicle apparatus to said electronic toll collection system. See also columns 9-10. Aito et al also discloses guiding means (S4, figure 4) for guiding said automotive vehicle through said travel route set by said travel route setting means, when the judgment is made that there are electric toll collection system supporting and non-supported lanes on said travel route set by said travel route setting means, said guiding means being operative to guide said automotive vehicle into any one of an electric toll collection system supporting and non-supported lanes on the basis of the setting of said operation mode setting means (figure 7). In addition, Aito et al discloses a warning means for issuing a warning, and in which said communication means is operative to obtain from said in-vehicle apparatus mode information about whether or not said in-vehicle apparatus is in an active mode to allow said electronic toll collection system to be utilized and said warning means is operative to issue a warning on the basis of the setting of said operation mode setting means and said mode information obtained by said communication means. See also columns 3-5. According further to Aito et al, said operation mode setting means includes toll road extracting means for extracting a toll road from the travel route set by the travel route setting unit, and toll road setting means for setting in each toll road extracted by said toll road extracting means whether or not an electronic toll collection system is utilized. See column 6-7, figures 14 and 15.

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8. Claim 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al [6,684,156].

Fujimoto et al discloses a navigation apparatus (figure 1) comprising position detecting means (1) for detecting a current position of an automotive vehicle (column 1, lines 33-35), destination setting means (4) for setting a destination of said automotive vehicle (column 1), travel route setting means (9) for setting a travel route to said destination set by said destination setting means on the basis of said current position detected by said position detecting means (figure 8, columns 3, 4), operation mode setting means (4) for setting whether or not to utilize an electronic toll collection system on a toll road of said travel route set by said travel route setting means (column 4, lines 62-67), and communication means (2) for performing communication with an in-vehicle apparatus provided in said automotive vehicle as part of said electronic toll collection system, said communication means being operative to transmit a signal to said in-vehicle apparatus to change an operation mode of said in-vehicle apparatus to said electronic toll collection system (column 2, lines 43-49). Fujimoto et al also discloses guiding means (figure 8, 9) for guiding said automotive vehicle through said travel route set by said travel route setting means, when the judgment is made that there are electric toll collection system supporting and non-supported lanes on said travel route set by said travel route setting means, said guiding means being operative to guide said automotive vehicle into any one of an electric toll collection system supporting and non-supported lanes on the basis of the setting of said operation mode setting means (column 6, lines 32-37). In addition, Fujimoto et al discloses a warning means (5) for issuing a warning, and in which said

communication means is operative to obtain from said in-vehicle apparatus mode information about whether or not said in-vehicle apparatus is in an active mode to allow said electronic toll collection system to be utilized and said warning means is operative to issue a warning on the basis of the setting of said operation mode setting means and said mode information obtained by said communication means (column 2, lines 54-56. Additionally, Fujimoto et al discloses toll information storing means (6) for storing toll information on a toll depending on whether or not said electric toll collection system is utilized on said toll road, and toll calculating means (9) for calculating a toll to be collected on said toll road of said travel route set by said travel route setting unit on the basis of said toll information stored in said toll information storing unit and said setting of said operation mode setting unit (column 2, lines 57-67, column). According further to Fujimoto et al, said operation mode setting means includes toll road extracting means for extracting a toll road from the travel route set by the travel route setting unit, and toll road setting means for setting in each toll road extracted by said toll road extracting means whether or not an electronic toll collection system is utilized (column 2, lines 63-67). See also, in particular, columns 3-4; column 5, lines 24-30; column 6, lines 6-12; and columns 7-8.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6,042,008	Ando et al	Mar. 2000
6,140,941.	Dwyer et al	Oct. 2000
6,591,172	Oda et al	Jul. 2003

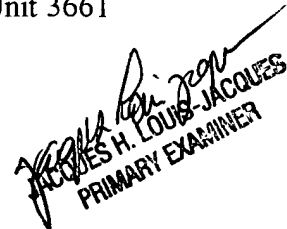
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj


JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER